

SUPPLEMENTAL ACTION

Status of Application, Amendments, and/or Claims

1. This is a supplemental office action due to the Examiner's oversight in failing to amend claims 5 and 7 so that the claims are properly dependent. The claims are amended below such that they are now properly dependent.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Paul Killos on October 8, 2009.

The application has been amended as follows:

IN THE CLAIMS

1. An isolated polynucleotide comprising SEQ ID NO: 1.
2. An isolated primer set for detecting *Malephilus cerevisiae* consisting of an oligonucleotide consisting of SEQ ID NO: 2 and an oligonucleotide consisting of SEQ ID NO: 3.
3. An isolated primer set for detecting and distinguishing beer-spoilage microorganisms, consisting of an oligonucleotide consisting of SEQ ID NO: 8, an oligonucleotide consisting of SEQ ID NO: 3 and an oligonucleotide consisting of SEQ ID NO: 6.
4. An isolated probe set for detecting and distinguishing beer-spoilage microorganisms, consisting of an oligonucleotide consisting of SEQ ID NO: 4, an oligonucleotide consisting of SEQ ID NO: 7 and an oligonucleotide consisting of SEQ ID NO: 5.

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5. A kit for detecting and distinguishing beer-spoilage microorganisms, comprising a primer set consisting of an oligonucleotide consisting of SEQ ID NO: 8, an oligonucleotide consisting of SEQ ID NO: 3 and an oligonucleotide consisting of SEQ ID NO: 6 and a probe set consisting of an oligonucleotide consisting of SEQ ID NO: 4, an oligonucleotide consisting of SEQ ID NO: 7 and an oligonucleotide consisting of SEQ ID NO: 5.

7. A method for detecting and distinguishing beer-spoilage microorganisms comprising a step of amplifying a nucleic acid sequence fragment using a primer set consisting of an oligonucleotide consisting of SEQ ID NO: 8, an oligonucleotide consisting of SEQ ID NO: 3 and an oligonucleotide consisting of SEQ ID NO: 6 and a step of measuring the melting temperature of hybrids between the obtained nucleic acid fragment and a probe set consisting of oligonucleotide consisting of SEQ ID NO: 4, an oligonucleotide consisting of SEQ ID NO: 7 and an oligonucleotide consisting of SEQ ID NO: 5.

Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance: Claim 1 is interpreted as requiring SEQ ID NO: 1 in its entirety and as such this sequence is novel and unobvious over the prior art. Claims 2, 3 and 4 are interpreted as requiring the sequences recited in the claims contain only the nucleotides recited in SEQ ID NOs 2-8, respectively and as such these sequences are novel and unobvious over the prior art. The method claims require the novel primer and probe sequences recited in claims 2-4.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Correspondence

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather G. Calamita whose telephone number is 571.272.2876 and whose e-mail address is

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heather.calamita@uspto.gov. However, the office cannot guarantee security through the e-mail system nor should official papers be transmitted through this route. The examiner can normally be reached on Monday through Thursday, 7:00 AM to 5:30 PM.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Gary Benzion can be reached at 571.272.0782.

Papers related to this application may be faxed to Group 1637 via the PTO Fax Center using the fax number 571.273.8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to 571.272.0547.

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/Heather G. Calamita/
Primary Examiner, Art Unit 1637